

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03-12469-JLT

FILED  
IN CLERKS OFFICE

2004 JUN 18 A 11:41

U.S. DISTRICT COURT  
DISTRICT OF MASS.

AMERICAN TOWER CORPORATION,

Plaintiff

v.

GRANITE STATE INSURANCE  
COMPANY,

Defendant

and

FRED A. NUDD CORPORATION,  
COMPANY,

Defendant and  
Third Party Plaintiff

v.

UNDERHILL CONSULTING  
ENGINEER, P.C.

Third Party Defendant

**SWORN STATEMENT OF DEFENDANT FRED A. NUDD  
CORPORATION PURSUANT TO LOCAL RULE 26.1(B)(2)**

I, Thomas Nudd, on oath depose and say the following:

I. Pursuant to Local Rule 26.1(b)(2), I, on behalf of Fred A. Nudd Corporation ("Nudd") make the following disclosure statement based on the information now reasonably available to me.

II. I am the President of Nudd and I was the primary contact at Nudd involved in the claims which are the subject of this action.

III. Based upon the facts alleged in the Complaint and Answer, I state the following:

a. all persons then known to the Defendant or the Defendant's attorneys who witnessed the transaction or occurrence giving rise to the claim or otherwise is known or believed to have substantial discoverable information about the claims or defenses, together with a statement of the subject and a brief summary of that information:

1. Patrick Homer, Unisite, 3450 Buschwood Park, Suite 250, Tampa, FL.

Mr. Homer was the Unisite representative with whom Fred A. Nudd Corporation dealt regarding the towers which are the subject of this action.

2. George Underhill, the President of Underhill Consulting Engineer, P.C.

Mr. Underhill performed the engineering and certification services on the towers which are the subject of this action.

3. Thomas Nudd, Lowell Nudd, Michael Withey, Timothy Wilson and

Patrick Botimer, Fred A. Nudd Corporation, P.O. Box 577, 1743 Route 104, Ontario, NY 14519 (315)524-2531.

Each of the above worked on and/or reviewed, in varying degrees, the orders and invoices submitted by Unisite.

b. all opposing parties, and all officers, directors, and employees of opposing parties, from whom statements have been obtained by or on behalf of the Defendant regarding the subject matter of the claims or defenses, and

1. To the best of my knowledge no such statements were obtained.

c. all government, agencies or officials then known to the Defendant or Defendant's attorney to have investigated the transaction or occurrence giving rise to the claims or defenses.

1. None to the best of my knowledge.

Signed under the pains and penalties of perjury this 17<sup>th</sup> day of June,  
2004.

  
Thomas Nudd

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document  
was served upon the attorney of record for each other  
party by (hand) (mail) on 6/18/04

